

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

ERIC X. RAMBERT,)	
)	2:17cv268
Petitioner,)	Electronic Mail
)	
v.)	Judge David Stewart Cercone
)	Magistrate Judge Lisa Pupo Lenihan
MICHAEL OVERMYER,)	
ATTORNEY GENERAL'S OFFICE,)	
and DISTRICT ATTORNEY'S)	
OFFICE,)	
)	
Respondents.)	
)	

MEMORANDUM ORDER

Petitioner Eric X. Rambert ("Petitioner") has filed a Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254, seeking relief from his 1987 state convictions of assault by a prisoner, riot and criminal conspiracy. (ECF No. 3.) In accordance with the Magistrate Judge's Act, 28 U.S.C. § 636(b)(1), and Rules 72.C and 72.D of the Local Rules of Court, all pretrial matters were referred to United States Magistrate Judge Lisa Pupo Lenihan.

On June 8, 2017, the Magistrate Judge issued a Report and Recommendation recommending that the Petition for Writ of Habeas Corpus be dismissed as an unauthorized second or successive petition and that a certificate of appealability be denied. (ECF No. 4.) Petitioner was served with the Report and Recommendation and he filed objections on June 16, 2017. (ECF No. 5.) Upon an independent review of the record, and consideration of the Magistrate Judge's Report and Recommendation, and objections thereto, the following Order is entered:

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AND NOW, this 12 day of July, 2017;

IT IS HEREBY ORDERED that the Report and Recommendation of the Magistrate Judge (ECF No. 4) is adopted as the opinion of the Court.

IT IS FURTHER ORDERED that the Petition for Writ of Habeas Corpus (ECF No. 3) is dismissed as an unauthorized second or successive petition.

IT IS FURTHER ORDERED that a certificate of appealability is denied.

IT IS FURTHER ORDERED that the Clerk of Court mark this case **CLOSED**.

AND IT IS FURTHER ORDERED that pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure, Petitioner has thirty (30) days to file a notice of appeal as provided by Rule 3 of the Federal Rules of Appellate Procedure.



David Stewart Cercone
United States District Judge

cc: Honorable Lisa Pupo Lenihan
United States Magistrate Judge

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